

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

KARON WARREN, DEBORAH KAPLAN, KIMBERLY KAVIN, and JENNIFER
SINGER,

Plaintiffs-Appellants,

v.

UNITED STATES DEPARTMENT OF LABOR; VINCE MICONE, as the Acting
U.S. Secretary of Labor; PATRICIA DAVIDSON, in her official capacity as Deputy
Administrator of the U.S. Department of Labor's Wage and Hour Division; and U.S.
DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION,*

Defendants-Appellees.

**MOTION FOR A 30-DAY EXTENSION OF TIME TO FILE RESPONSE
BRIEF**

* Pursuant to Fed. R. App. Proc. 43(c)(2), Acting U.S. Secretary of Labor Vince Micone is automatically substituted for former Acting U.S. Secretary of Labor Julie Su and Deputy Administrator Patricia Davidson is automatically substituted for former Administrator Jessica Looman.

Certificate of Interested Persons and Corporate Disclosure Statement

Pursuant to Eleventh Circuit Rule 26.1-1 through 26.1-3, I hereby certify that the following persons, firms, and associations may have an interest in the outcome of this case:

American Trucking Associations, Amicus Curiae in Support of Plaintiff

Associated Builders and Contractors, Inc., Amicus Curiae in Support of Plaintiff

Associated Builders and Contractors of Southeast Texas, Inc., Amicus Curiae in Support of Plaintiff

Baskin, Maurice, Counsel for Amici Curiae Chamber of Commerce of the United States of America; Coalition for Workforce Innovation; Associated Builders and Contractors of Southeast Texas, Inc.; Associated Builders and Contractors, Inc.; Financial Services Institute, Inc.; National Federation of Independent Business, Inc.; National Retail Federation; and American Trucking Associations

Chamber of Commerce of the United States of America, Amicus Curiae in Support of Plaintiff

Coalition for Workforce Innovation, Amicus Curiae in Support of Plaintiff

Davidson, Patricia, in her official capacity as Deputy Administrator of the U.S. Department of Labor's Wage and Hour Division, Defendant/Appellee

Economic Policy Institute, Amicus Curiae in Support of Defendant

Farmworker Justice, Amicus Curiae in Support of Defendant

Financial Services Institute, Inc., Amicus Curiae in Support of Plaintiff

Freeman, Wilson C., Counsel for Plaintiffs/Appellants

Greenamyre, Zack, Counsel for Amici Curiae National Employment Law
Project and Public Citizen

Looman, Jessica, in her prior capacity as former Administrator of the U.S.
Department of Labor's Wage and Hour Division Defendant/Appellee

Kilberg, Andrew G.I., Counsel for Amici Curiae Chamber of Commerce of the
United States of America; Coalition for Workforce Innovation; Associated Builders
and Contractors of Southeast Texas, Inc.; Associated Builders and Contractors, Inc.;
Financial Services Institute, Inc.; National Federation of Independent Business, Inc.;
National Retail Federation; and American Trucking Associations

Maloney, Stephanie A., Counsel for Amici Curiae Chamber of Commerce of
the United States of America; Coalition for Workforce Innovation; Associated
Builders and Contractors of Southeast Texas, Inc.; Associated Builders and
Contractors, Inc.; Financial Services Institute, Inc.; National Federation of
Independent Business, Inc.; National Retail Federation; and American Trucking
Associations

Mendro, Jason J., Counsel for Amici Curiae Chamber of Commerce of the
United States of America; Coalition for Workforce Innovation; Associated Builders
and Contractors of Southeast Texas, Inc.; Associated Builders and Contractors, Inc.;

Financial Services Institute, Inc.; National Federation of Independent Business, Inc.;
National Retail Federation; and American Trucking Associations

Micone, Vince, as Acting Secretary of Labor, Defendant/Appellee

National Employment Law Project, Amicus Curiae in Support of Defendant

National Federation of Independent Business, Inc., Amicus Curiae in Support
of Plaintiff

National Retail Federation, Amicus Curiae in Support of Plaintiff

Olson, Lisa A., Trial Counsel for Defendants

Public Citizen, Amicus Curiae in Support of Defendant

Public Justice Center, Amicus Curiae in Support of Defendant

Raab, Michael S., Counsel for Defendants/Appellees

REAL Women in Trucking, Amicus Curiae in Support of Defendant

Restaurant Opportunity Centers United, Amicus Curiae in Support of
Defendant

Romero, Samantha R., Counsel for Plaintiffs/Appellants

Samburg, Mark B., Counsel for Amici Curiae Public Justice Center,
Farmworker Justice, Restaurant Opportunity Centers United, REAL Women in
Trucking, Service Employees International Union, and Economic Policy Institute

Scalia, Eugene, Counsel for Amici Curiae Chamber of Commerce of the United
States of America; Coalition for Workforce Innovation; Associated Builders and
Contractors of Southeast Texas, Inc.; Associated Builders and Contractors, Inc.;

Financial Services Institute, Inc.; National Federation of Independent Business, Inc.;
National Retail Federation; and American Trucking Associations

Service Employees International Union, Amicus Curiae in Support of
Defendant

Singer, Jennifer, Plaintiff/Appellant

Su, Julie, former acting U.S. Secretary of Labor, Defendant/Appellee

Story, Richard W., Senior United States District Judge

United States Department of Labor, Defendant/Appellee

United States Department of Labor, Wage and Hour Division,
Defendant/Appellee

Utrecht, Jennifer, Counsel for Defendants/Appellees

Von Bokern, Jordan L., Counsel for Amici Curiae Chamber of Commerce of
the United States of America; Coalition for Workforce Innovation; Associated
Builders and Contractors of Southeast Texas, Inc.; Associated Builders and
Contractors, Inc.; Financial Services Institute, Inc.; National Federation of
Independent Business, Inc.; National Retail Federation; and American Trucking
Associations

Wake, Luke A., Counsel for Plaintiffs/Appellants

Warren, Karon, Plaintiff/Appellant

Webster, Leigh Ann, Counsel for Amici Curiae Public Justice Center,
Farmworker Justice, Restaurant Opportunity Centers United, REAL Women in
Trucking, Service Employees International Union, and Economic Policy Institute

Dated: February 21, 2025

/s/ Jennifer L. Utrecht
JENNIFER L. UTRECHT
Attorney for Defendants-Appellees

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KARON WARREN, DEBORAH KAPLAN,
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UNITED STATES DEPARTMENT OF LABOR;
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capacity as Deputy Administrator of the U.S.
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U.S. DEPARTMENT OF LABOR, WAGE AND
HOUR DIVISION,*

Defendants-Appellees.

No. 24-13505

**MOTION FOR A 30-DAY EXTENSION OF TIME TO FILE RESPONSE
BRIEF**

Defendants-appellees United States Department of Labor, *et al.*, respectfully
move for a 30-day extension of time, to and including April 4, 2025, to file their
response brief in this case. Plaintiffs have indicated that they oppose this motion.

* Pursuant to Fed. R. App. Proc. 43(c)(2), Acting U.S. Secretary of Labor Vince Micone is automatically substituted for former Acting U.S. Secretary of Labor Julie Su and Deputy Administrator Patricia Davidson is automatically substituted for former Administrator Jessica Looman.

1. This appeal involves a challenge to a rule issued by the Department of Labor that provides interpretive guidance regarding the classification of workers as employees or independent contractors under the Fair Labor Standards Act. 89 Fed. Reg. 1638 (Jan. 10, 2024). Plaintiffs filed their opening brief on January 2, 2025. The government previously sought one 30-day extension of time to file a response. The government's brief is currently due, as extended, on March 5, 2025.

2. Due to the recent change in administration on January 20, 2025, the Department of Labor does not yet have any Senate-confirmed leadership in place. To provide new leadership with sufficient time as they onboard to familiarize themselves with the issues in this case and determine how they wish to proceed here and in related litigation challenging the rule, the government respectfully seeks a 30-day extension, to and including April 4, 2025, to file its brief in this case. The requested extension will conserve judicial resources and promote the efficient and orderly disposition of this appeal, including by ensuring that any briefing or arguments presented to this Court will reflect the views of new agency leadership.

3. Counsel for the appellants has represented that they oppose this motion.

CONCLUSION

For the foregoing reasons, the government respectfully requests a 30-day extension of time, to and including April 4, 2025, to file a response brief.

Respectfully submitted,

MICHAEL S. RAAB

/s/ Jennifer L. Utrecht
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U.S. Department of Justice
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Washington, D.C. 20530

FEBRUARY 2025

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 314 words.

/s/ Jennifer L. Utrecht
Jennifer L. Utrecht

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2025, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

/s/ Jennifer L. Utrecht
Jennifer L. Utrecht